

**REPORT OF THE AUDIT OF THE
FAYETTE COUNTY
CLERK**

**For The Year Ended
December 31, 2014**



**MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS
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EXECUTIVE SUMMARY
AUDIT OF THE
FAYETTE COUNTY CLERK

For The Year Ended
December 31, 2014

The Auditor of Public Accounts has completed the Fayette County Clerk's audit for the year ended December 31, 2014. Based upon the audit work performed, the financial statements present fairly in all material respects, the receipts and disbursements of the County Clerk and the receipts, disbursements, and fund balances of the County Clerk's operating fund and county fund with the State Treasurer in conformity with the regulatory basis of accounting.

Financial Condition:

A fee official in counties with a population over 70,000 has two funds established with the state for the deposit of fees collected. Seventy-five percent (75%) of the fees collected are deposited in a County Clerk's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected are deposited to the county government fund and paid quarterly to the county government. These funds are closed at the end of each four-year term by paying the balances to the respective county government.

The Fayette County Clerk had total receipts of \$78,654,021, which was a \$2,070,701 decrease from the prior year. Except for reimbursed expenses in the amount of \$355,400, the Clerk paid 25% of receipts to the Lexington-Fayette Urban County Government in the amount of \$1,705,681. This was a decrease of \$93,623 from the prior year. In addition, 75% fund operating disbursements increased by \$942,465.

Deposits:

The County Clerk's deposits were insured and collateralized by bank securities.

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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government
Honorable Donald Blevins, Jr., Fayette County Clerk
Members of the Lexington-Fayette Urban County Council

Independent Auditor's Report

Report on the Financial Statements

We have audited the accompanying Statement of Receipts and Disbursements - Regulatory Basis of the County Clerk of Fayette County, Kentucky, the Statement of Receipts, Disbursements, and Fund Balances of the County Clerk's Operating Fund and County Fund with the State Treasurer - Regulatory Basis for the year ended December 31, 2014, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Audit Guide for County Fee Officials* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government
Honorable Donald Blevins, Jr., Fayette County Clerk
Members of the Lexington-Fayette Urban County Council

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statements, the financial statements are prepared by the County Clerk on the basis of the accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statements of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinions on U.S. Generally Accepted Accounting Principles paragraph, the financial statements referred to above do not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the County Clerk, as of December 31, 2014, or cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statements referred to above present fairly, in all material respects, the receipts and disbursements of the Clerk and the receipts, disbursements, and fund balances of the Clerk's operating fund and county fund with the State Treasurer for the year ended December 31, 2014, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated February 12, 2016 on our consideration of the Fayette County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Fayette County Clerk's internal control over financial reporting or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Harmon", with a stylized flourish at the end.

Mike Harmon
Auditor of Public Accounts

February 12, 2016

FAYETTE COUNTY
DONALD BLEVINS, JR., COUNTY CLERK
STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS

For The Year Ended December 31, 2014

Receipts

State Fees For Services

Preparation of Tax Bills	\$ 17,852	
Registration of Voters	2,949	
Voters Registration Expense Reimbursement	<u>80,479</u>	\$ 101,280

Lexington-Fayette Urban County Government:

Preparation of Tax Bills	35,913
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Licenses and Taxes:

Motor Vehicle-

Licenses and Transfers	8,131,347
Usage Tax	36,232,085
Tangible Personal Property Tax	25,297,949
Miscellaneous Fees	368,874
Child Assistance Donation	37,059
Postage	137,070

Other-

Marriage Licenses	70,250	
Professional Bonds	34,426	
Deed Transfer Tax	1,733,249	
Delinquent Tax	<u>4,400,881</u>	76,443,190

Fees Collected for Services:

Recordings-

Deeds, Easements, and Contracts	135,218
Real Estate Mortgages	465,623
Chattel Mortgages and Financing Statements	566,760
Powers of Attorney	20,534
Affordable Housing Trust	293,388
Releases	81,439
All Other Recordings	162,629

Charges for Other Services-

Copywork	205,100	
Postage	<u>81,137</u>	2,011,828

The accompanying notes are an integral part of the financial statements.

FAYETTE COUNTY
DONALD BLEVINS, JR., COUNTY CLERK
STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS
For The Year Ended December 31, 2014
(Continued)

Receipts (Continued)

Other:

Inspection Fees	\$ 47,975	
Miscellaneous	<u>13,504</u>	\$ 61,479

Interest Earned		<u>331</u>
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Total Receipts		78,654,021
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Disbursements

Payments to State:

Motor Vehicle-		
Licenses and Transfers	\$ 5,688,540	
Usage Tax	35,143,623	
Tangible Personal Property Tax	10,529,203	
Licenses, Taxes, and Fees-		
Delinquent Tax	421,919	
Legal Process Tax	223,329	
Affordable Housing Trust	<u>293,388</u>	52,300,002

Payments to Lexington-Fayette

Urban County Government:

Tangible Personal Property Tax	1,569,670	
Delinquent Tax	668,916	
Deed Transfer Tax	<u>1,646,587</u>	3,885,173

Payments to Fayette County School:

Tangible Personal Property Tax	10,559,955	
Delinquent Tax	<u>1,819,941</u>	12,379,896

Payments to Fayette County Health Department:

Tangible Personal Property Tax	499,541	
Delinquent Tax	<u>74,743</u>	574,284

Payments to Fayette County Extension Office:

Tangible Personal Property Tax	57,075	
Delinquent Tax	<u>8,973</u>	66,048

The accompanying notes are an integral part of the financial statements.

FAYETTE COUNTY
DONALD BLEVINS, JR., COUNTY CLERK
STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS
For The Year Ended December 31, 2014
(Continued)

Disbursements (Continued)

Payments to Lexington Transit Authority:		
Tangible Personal Property Tax	\$ 1,070,587	
Delinquent Tax	<u>160,047</u>	\$ 1,230,634
Payments to Sheriff		310,581
Payments to County Attorney		606,423
Payments to Soil and Water		1,236
Other Disbursements:		
Inspection Fees	47,975	
Miscellaneous	<u>73,647</u>	<u>121,622</u>
Total Disbursements		<u>\$71,475,899</u>
Net Receipts		7,178,122
Payments to State Treasurer:		
75% Operating Fund *	5,472,441	
25% County Fund	<u>1,705,681</u>	<u>7,178,122</u>
Balance Due at Completion of Audit		<u>\$ 0</u>

* Includes reimbursed expenses in the amount of \$355,400 for the audit period.
See Note 1 of Notes to Financial Statements.

The accompanying notes are an integral part of the financial statements.

FAYETTE COUNTY
DONALD BLEVINS, JR., COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND
FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS

For The Year Ended December 31, 2014

	75% Operating Fund	25% County Fund	Totals
Fund Balance - January 01, 2014	\$ 1,510,688	\$	\$ 1,510,688
<u>Receipts</u>			
Fees Paid to State - Operating Funds (75%)	5,472,441		5,472,441
Fees Paid to State - County Funds (25%)		1,705,681	1,705,681
Total Funds Available	6,983,129	1,705,681	8,688,810
<u>Disbursements</u>			
Lexington-Fayette County Urban Government		1,705,681	1,705,681
Personnel Services-			
Official's Statutory Maximum	111,463		111,463
Official's Expense Allowance	3,600		3,600
Official's Training Incentive	3,910		3,910
Deputies' Salaries	3,129,321		3,129,321
Overtime Gross	53,847		53,847
Employee Benefits-			
Employer's Share Social Security	230,870		230,870
Employer's Share Retirement	599,002		599,002
Employer's Share Health/Dental Insurance	635,930		635,930
Employer's Share Life Insurance	1,199		1,199
Contracted Services-			
Printing and Binding	53,301		53,301
Maintenance and Repairs	73,704		73,704
Insurance	24,830		24,830
Professional Services	84,873		84,873

The accompanying notes are an integral part of the financial statements.

FAYETTE COUNTY
DONALD BLEVINS, JR., COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND
FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS
For The Year Ended December 31, 2014
(Continued)

	75% Operating Fund	25% County Fund	Totals
<u>Disbursements (Continued)</u>			
Supplies and Materials-			
Office Supplies	\$ 75,507	\$	\$ 75,507
Other Charges-			
Rent	68,696		68,696
Dues & Subscriptions	18,968		18,968
Election Expense	5,766		5,766
Postage	125,437		125,437
Telephone	16,634		16,634
Bank Charges	22,719		22,719
Building Improvements	644,541		644,541
Microfilm and Microfiche	1,588		1,588
Travel	5,168		5,168
Motor Vehicle Expenses	2,430		2,430
Capital Outlay-			
Furniture	2,229		2,229
Office Equipment	192,588		192,588
Total Disbursements	6,188,121	1,705,681	7,893,802
Fund Balance - December 31, 2014 *	\$ 795,008	\$ 0	\$ 795,008

* The County Clerk paid excess fees in the amount of \$795,008 to Lexington-Fayette Urban County Government in March 2015.

The accompanying notes are an integral part of the financial statements.

FAYETTE COUNTY
NOTES TO THE FINANCIAL STATEMENTS

December 31, 2014

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the Fiscal Court to collect any amount due from the County Clerk as determined by the audit.

KRS 64.350 establishes that a fee official in counties with a population over 70,000 has two funds with the State Treasurer for the deposit of fees collected. Seventy-five percent (75%) of the fees collected are deposited in a County Clerk's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected are deposited to the county fiscal court fund and paid to the Fiscal Courts, urban-county governments, or consolidated local governments of the respective counties quarterly no later than April 15, July 15, October 15, and January 15. These funds are closed at the end of each official term by paying the balances to the respective county government.

The financial statements have been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, receipts and disbursements are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31:

- Interest receivable
- Collection on accounts due from others for 2014 services
- Reimbursements for 2014 activities
- Payments due other governmental entities for December tax and fee collections
- Payroll expenditures incurred but not paid
- Payments due vendors for goods or services provided in 2014

The Attorney General issued a letter which stated that some revenues of the fee official offices could be considered reimbursed expenses. All reimbursed expenses are treated as revenue in the 75 percent fund.

FAYETTE COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2014
(Continued)

Note 1. Summary of Significant Accounting Policies (Continued)

C. Cash and Investments

KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute five percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute six percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 19.55 percent for the first six months and 18.89 percent for the last six months.

The County Clerk's contribution for calendar year 2012 was \$624,367, calendar year 2013 was \$626,559 and calendar year 2014 was \$599,002.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (member's age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

CERS also provides post-retirement health care coverage as follows:

For members participating prior to July 1, 2003, years of service and respective percentages of the maximum contribution are as follows:

FAYETTE COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2014
(Continued)

Note 2. Employee Retirement System (Continued)

Years of Service	% paid by Insurance Fund	% Paid by Member through Payroll Deduction
20 or more	100%	0%
15-19	75%	25%
10-14	50%	50%
4-9	25%	75%
Less than 4	0%	100%

As a result of House Bill 290 (2004 General Assembly), medical insurance benefits are calculated differently for members who began participation on or after July 1, 2003. Once members reach a minimum vesting period of ten years, non-hazardous employees whose participation began on or after July 1, 2003, earn ten dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2014, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

FAYETTE COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2014
(Continued)

Note 4. Lease

The Office of the County Clerk was committed to a lease agreement with Mail Finance, Inc., for a Hasler mailing system. The agreement requires a monthly payment of \$785 for the first 12 months and \$889 for the remaining 51 months. The agreement is to be completed in March 2016. The total remaining balance of the agreement was \$13,332 as of December 31, 2014.

Note 5. Service Agreement

On April 1, 2008, the Office of the County Clerk entered into a service agreement with Brink U.S. to provide equipment, armored transportation, and counting and verification of cash services for an initial period of four years. The minimum monthly fee under the agreement is \$1,303, which is subject to a fuel adjustment charge and an annual percentage increase of not more than 5% per annum.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*



MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government
The Honorable Donald Blevins, Jr., Fayette County Clerk
Members of the Lexington-Fayette Urban County Council

**Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statements Performed In Accordance With Government Auditing Standards**

Independent Auditor's Report

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements - regulatory basis of the Fayette County Clerk for the year ended December 31, 2014, and the related notes to the financial statements, and have issued our report thereon dated February 12, 2016. The County Clerk's financial statements are prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Fayette County Clerk's internal control over financial reporting to determine audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Fayette County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the County Clerk's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statements Performed In Accordance With *Government Auditing Standards*
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fayette County Clerk's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Harmon", with a long horizontal line extending to the right.

Mike Harmon
Auditor of Public Accounts

February 12, 2016

